THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
AND
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No.22656 of 2007

Date : 30.10.2007

Between:
The District Educational Officer and others.

.....

PETITIONERS
AND

N. Ratnam

.....RESPONDENT

THE HON'BLE SMT. JUSTICE T. MEENA KUMARI
AND
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION No.22656 of 2007

ORDER: (per Smt. T.Meena Kumari,J)

The Department filed the present writ petition seeking a writ of Certiorari to call for the records relating to and connected with the order dated 20.11.2006 made in O.A. No. 6894 of 2006 on the file of the A.P. Administrative Tribunal, Hyderabad and to quash the same.

The facts in nutshell are that the respondent herein was working as Secondary Grade Teacher on 11.11.2000 under S.C. quota. While so, the respondent with an intention to pursue higher studies, sought permission of the department to persecute two years Post graduation Course in English in Acharya Nagarjuna University, Nagarjuna Nagar, Guntur. However, the department rejected the request of the respondent on the ground that since the respondent has already passed B.Sc., B.Ed., acquisition of P.G. qualification is not required at this state of the proceedings. Aggrieved, the respondent preferred O.A. No. 6894 of 2006, before this Court. The Tribunal, through the impugned order dated 20.11.2006, while allowing the O.A., directed the department to permit the respondent to persecute his two year post Graduation course in English. Aggrieved, the department filed the present writ petition.

There is no dispute about the fact that the respondent was working as S.G.T. There is also no dispute about the fact that he sought permission of the department to persecute higher studies. According to the respondent, as per G.O. Ms. No.32, dated 30.8.1977, he is entitled to persecute higher studies.

Para-2 of the said G.O. reads thus:

"The matter has been carefully considered by Government with reference to certain categories of employment in Government in which cases acquiring of higher qualification is a prerequisite for furthering their career. Government have, accordingly, decided that in cases where the acquiring of a higher educational qualification is a prerequisite for further promotion according to the rules, the Scheduled Castes and Scheduled tribe employee shall be deputed for higher studies within the country with full pay and allowances. This facility, will however, be subject to the following conditions:

i) This facility will be available only to first generation Scheduled Caste and Schedule Tribe candidates in employments in non-Gazetted categories only.

ii) The period of study shall be two years or less according to the course during which period the candidates shall be eligible for payment of full salary without loss of leave.

iii) In case there is any qualifying examination, test etc., attached to the course, only two will be allowed to the candidates.

iv) The candidate will sign a bond that he will come back and serve the department which has given him the facility for a period at least five years and the bond so executed shall carry a penalty, of Rs. 10,000/- (Rupees Ten thousand only) for forfeiture:

v) The facility will be given only to the candidates who have good record with a sense of discipline and responsibility towards work.

vi) The candidate should have put in at least five years of service in the category from which he is being deputed and;

vii) This facility will be available for only one such training programme in career span of an employee."

Admittedly, the respondent is appointed as S.G.T. and he has better service prospects. In view of the fact that he belongs to Scheduled Caste community and in view of the fact that he fulfilled all the conditions laid down in the aforesaid G.O., the department ought to have permitted him to persecute higher studies. The Tribunal, therefore, taking all these aspects into consideration rightly allowed the O.A. and directed the department to permit the respondent to persecute higher studies by duly extending the benefits of G.O. M.s. No. 342, dated 30.8.1977.

In the circumstances, we do not find any illegality or irregularity in the order of the Tribunal warranting interference.

The writ petition fails and it is accordingly dismissed at the admission stage.

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T. MEENA KUMARI,J

DATE: 30th October, 2007

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G. CHANDRAIAH,J

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